



General Assembly

January Session, 2011

**Amendment**

LCO No. 6840

**\*SB0101506840SR0\***

Offered by:  
SEN. BOUCHER, 26<sup>th</sup> Dist.

To: Senate Bill No. 1015

File No. 605

Cal. No. 375

**"AN ACT CONCERNING THE PALLIATIVE USE OF MARIJUANA."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 12-650 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2011*):

5 As used in this chapter:

6 (1) "Marijuana" means any marijuana, whether real or counterfeit, as  
7 defined in subdivision (29) of section 21a-240, that is (1) held,  
8 possessed, transported, sold or offered to be sold in violation of any  
9 provision of the general statutes, or (2) purchased, possessed or  
10 acquired for palliative use, and includes, but is not limited to, a  
11 marijuana plant purchased, possessed or acquired for palliative use;

12 (2) "Controlled substance" means any controlled substance as  
13 defined in subdivision (9) of section 21a-240, that is held, possessed,  
14 transported, sold or offered to be sold in violation of any provision of

15 the general statutes;

16 (3) "Dealer" means any person who, in violation of any provision of  
17 the general statutes, manufactures, produces, ships, transports, or  
18 imports into the state or in any manner [acquires or] possesses or  
19 acquires more than forty-two and one-half grams of marijuana or  
20 seven or more grams of any controlled substance or ten or more  
21 dosage units of any controlled substance which is not sold by weight;  
22 [and]

23 (4) "Commissioner" means the Commissioner of Revenue Services;

24 (5) "Palliative use" has the same meaning as provided in section 1 of  
25 this act;

26 (6) "Primary caregiver" has the same meaning as provided in section  
27 1 of this act;

28 (7) "Qualifying patient" has the same meaning as provided in  
29 section 1 of this act; and

30 (8) "Usable marijuana" has the same meaning as provided in section  
31 1 of this act.

32 Sec. 502. Section 12-651 of the general statutes is repealed and the  
33 following is substituted in lieu thereof (*Effective October 1, 2011*):

34 (a) A tax is imposed on (1) any marijuana or controlled substances  
35 purchased, acquired, transported or imported into the state, or (2) any  
36 useable marijuana purchased or acquired for palliative use, or any  
37 marijuana plant purchased, possessed or acquired for palliative use.  
38 Payment [thereof] of such tax shall be evidenced by the permanent  
39 affixing of stamps on the marijuana or controlled substance  
40 immediately after receipt or, with respect to useable marijuana  
41 purchased or acquired for palliative use or a marijuana plant  
42 purchased, possessed or acquired for palliative use, in such other  
43 manner as the commissioner may prescribe. Each stamp or other  
44 official indicia may be used only once.

45 (b) The tax imposed pursuant to this section shall be at the following  
46 rates: (1) On each gram of marijuana or portion of a gram, three dollars  
47 and fifty cents, [and] (2) on each gram of a controlled substance, or  
48 portion of a gram, two hundred dollars or on each fifty dosage units of  
49 a controlled substance that is not sold by weight, or portion thereof,  
50 two thousand dollars, or (3) with respect to marijuana for palliative  
51 use, on each ounce of useable marijuana or portion of an ounce, five  
52 dollars, and on each marijuana plant, two dollars. For the purpose of  
53 calculating the tax due under this section, a gram or an ounce of  
54 marijuana or other controlled substance is measured by the weight of  
55 the substance in the dealer's possession, or the weight of the usable  
56 marijuana in the qualifying patient's or primary caregiver's possession.

57 (c) Any tax imposed pursuant to this section is due and payable  
58 immediately upon [acquisition or] possession or acquisition in this  
59 state by a dealer, or immediately upon purchase or acquisition of  
60 useable marijuana by a qualifying patient or primary caregiver or  
61 purchase, possession or acquisition of a marijuana plant by a  
62 qualifying patient or primary caregiver.

63 Sec. 503. Section 12-652 of the general statutes is repealed and the  
64 following is substituted in lieu thereof (*Effective October 1, 2011*):

65 No dealer, qualifying patient or primary caregiver may possess or  
66 acquire any marijuana or controlled substance upon which a tax is  
67 imposed pursuant to section 12-651, as amended by this act, unless the  
68 tax has been paid on the marijuana or controlled substance as  
69 evidenced by a stamp, [or] other official indicia or in such other  
70 manner as the commissioner prescribes.

71 Sec. 504. Section 12-658 of the general statutes is repealed and the  
72 following is substituted in lieu thereof (*Effective October 1, 2011*):

73 [The] Except as specifically provided in section 12-651, as amended  
74 by this act, the provisions of this chapter shall not be construed to  
75 require persons lawfully in possession of marijuana or a controlled  
76 substance pursuant to any provision of the general statutes to pay the

77 tax imposed pursuant to section 12-651, as amended by this act."